REMARKS

In the outstanding office action claims 24 and 25 were rejected as indefinite, while claims 19-25 were rejected as obvious. By way of this amendment, claims 24 and 25 are amended to overcome the indefiniteness rejection. In addition, arguments are resubmitted to show that one of the references relied upon by the Examiner is not prior art to the pending application in an obviousness rejection and thus the obviousness rejections must fail. In light of the foregoing applicants respectfully submit that the claims 19-25 are in condition for allowance and respectfully request same.

First with respect to claims 24 and 25, they have been rejected under 35 USC §112 second paragraph as being indefiniteness. More specifically, the Examiner has correctly pointed out that the "front surface" of the claim refers to the tube as opposed to the blank and thus the claims have been amended to reflect this understanding. In light of the foregoing applicants respectfully request that the indefinite rejection should be withdrawn.

Turning to the prior art rejections, claims 19-25 have been concurrently rejected as obvious under 35 USC § 103(a) as either being unpatentable over Roccaforte et al. in view of Shiffler et al., or as unpatentable over Hurh in view of Shiffler et al. However, as submitted in previous amendments and now reiterated herein, applicants respectfully submit that the Shiffler et al. reference is not properly citable under 35 USC §103 and, in as much as the Examiner is relying upon the teachings of Shiffler et al. for both his obviousness rejections, the obviousness rejections must fail.

As previously stated, the Shiffler et al. reference, U.S. Patent No. 6,561,942, is in fact the parent application to this continuation-in-part application. It is assigned to S.C. Johnson Home Storage, Inc. as is the pending application. However, it does have a different set of inventors and of course only includes the subject matter which formed the "in-part" portion of this CIP application. Accordingly, Shiffler et al. is only properly citable by the Examiner under 35 USC §102(e) which reads in pertinent part:

> "A person shall be entitled to a patent unless the invention was described in :..a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent. . ."

Importantly, however, Shiffler et al. does not qualify as prior art under any other sections of 35 USC § 102. In light of this, the provisions of 35 USC §103(c) apply and thus preclude Shiffler et al. from being used in an obviousness rejection against the pending application. For clarification purposes, we recite the entirety of 35 USC §103(c) below:

> "Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), (g), of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

This is exactly in accordance with the present situation. As stated above, Shiffler et al. only qualifies as prior art under section 35 USC §102(e). In addition, Shiffler et al. and the pending application were, at the time the invention was made, owned by the same person, in this case the same entity, S.C. Johnson Home Storage, Inc. A review of the assignment records of the U.S. Patent and Trademark Office will confirm the latter should the Examiner be interested in verifying same.

In light of the foregoing, applicants respectfully submit that both of the obviousness rejections posed by the Examiner are misplaced. As argued in previous amendments, the teachings of Roccaforte and/or Hurh do not in and of themselves disclose or suggest each and every element of the pending claims and thus the Examiner has turned to a reliance upon their teachings in combination with the Shiffler et al. reference. However, once Shiffler et al. is removed as a prior art reference, as it properly must be, the Examiner is only left with the teachings of Roccaforte and Hurh, which as shown by the combinations he has made, fail to disclose or suggest each and every element of the pending claims. Accordingly, the obviousness rejections must be withdrawn and the claims must be allowed. Applicants respectfully solicit same.

Should the Examiner have any questions, he is respectfully invited to telephone the undersigned.

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Respectfully submitted,

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